

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

Mr. Jon C. Smith
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation & Archeology
402 W. Washington Street, W274
Indianapolis, IN 46204-2739

March 3, 2004

**Re: STB Docket No. AB - 55 (643X), CSX Transportation, Inc.-
Abandonment Exemption - in LaPorte, Porter, and Starke Counties,
Indiana**

Dear Mr. Smith:

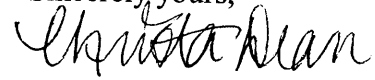
On February 9, 2004, the Section of Environmental Analysis (SEA) received a letter from your office regarding the above mentioned case. SEA is the office within the Surface Transportation Board (Board) responsible for conducting the environmental review process pursuant to the National Environmental Policy Act (NEPA), including Section 106 of the National Historic Preservation Act (16 U.S.C. 470f). Based on the information provided by your office, consultation with appropriate parties, and all applicable materials to date, SEA has determined that the rail abandonment will not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places.

Enclosed please find a statement indicating our compliance with the documentation requirements of 36 CFR 800.11(d). We have also enclosed a copy of SEA's final environmental recommendations in this case.

As indicated by the enclosed statement, SEA believes that our environmental review process meets the intent and goals of the NEPA, including 36 CFR 800.11 and 36 CFR 800.2(d)(2) (See 49 CFR 1105.8), and that the Section 106 process has been properly completed for this case.

SEA is committed to ensuring proper completion of the Section 106 process and we look forward to working with you in the future. If you have any questions, please do not hesitate to call me at (202) 565-1606.

Sincerely yours,

A handwritten signature in black ink that reads "Christa Dean". The script is cursive and fluid, with the first name "Christa" and last name "Dean" clearly distinguishable.

Christa Dean
Attorney Adviser
Section of Environmental Analysis

Statement of Compliance

36 CFR 800.11(d) Finding of no historic properties affected. Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;

- On August 18, 2003, CSX Transportation, Inc. (CSX), sent to the State Historic Preservation Officer a Historic Report that described the nature of the proposed abandonment, the area of potential effects, the history of carrier operations in the area, and properties 50 years old or older. CSX also included multiple maps of the area.

(2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to 800.4(b);

- CSX solicited comments from the State Historic Preservation Officer, as well as other Federal, state and local entities regarding the proposed abandonment.
- The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) prepared an Environmental Assessment (EA) indicating that three properties were within the probable area of potential effects that met the criteria for inclusion in the National Register due to their historical and architectural significance. These properties were identified as: Toad Hall, the English Lake 1870 Gun Club; La Crosse High School; and the Marathon Gas Station.
- SEA placed all material regarding the proposed abandonment in the public docket and solicited comments from agencies, interested parties, and the public on the EA.
- SEA received a letter addressed to CSX from the Indiana State Historic Preservation Officer stating that, based on the information provided by the railroad, the SHPO did not believe that there would be any alterations to the characteristics of the identified properties that would qualify them for inclusion in the National Register.

(3) The basis for determining that no historic properties are present or affected.

- In the Post EA, SEA determined that based on all applicable material to date, a Section 106 condition need not be imposed on the proposed abandonment. The Post EA was placed in the public docket.
- The Board served a decision on the proposed abandonment, discussing SEA's environmental findings and the basis for those findings.

SURFACE TRANSPORTATION BOARD
OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS,
AND ADMINISTRATION

MEMORANDUM

TO: Ann Newman, Director's Office
Office of Proceedings

FROM: Victoria Rutson, Chief
Section of Environmental Analysis

SUBJECT: **POST ENVIRONMENTAL ASSESSMENT RECOMMENDATIONS IN
DOCKET NO. AB - 55 (SUB-NO. 643X)**

cc 2/3/04

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:
☐ Notice of Exemption ☒ Petition For Exemption ☐ Regulated Abandonment

☐ **NO COMMENTS TO THE EA RECEIVED**

☐ The following recommendations in the EA are unchanged:

☐ Historic ☐ Fish & Wildlife ☐ Corps of Engineers ☐ No Conditions
☐ Other: National Geodetic Survey

☐ Independent consultation requires the following new or changed conditions:

☐ Historic ☐ Fish & Wildlife ☐ Corps of Engineers ☐ No Conditions
☐ Other: _____

(SEE 1. and 2. below for specific changes.)

☒ **COMMENTS TO THE EA RECEIVED**

☒ Based on the comments, the following conditions should remain the same:

☐ Historic ☐ Fish & Wildlife ☐ Corps of Engineers ☐ No conditions
☒ Other: National Geodetic Survey; U.S. EPA, Region 5

☒ Based on the attached comment, we recommend the following new conditions or changed conditions:

☐ Historic ☒ Fish & Wildlife ☐ Corps of Engineers ☐ No conditions
☐ Other:

(SEE 1. and 2. below for specific changes.)

1. PREVIOUSLY RECOMMENDED CONDITIONS SHOULD BE CHANGED TO READ AS FOLLOWS:

Based on phone conversations with the U.S. Environmental Protection Agency, Region 5, and the U.S. Fish and Wildlife Service, Bloomington Field Office, condition 2 should be changed to read as follows:

1. The U.S. Fish and Wildlife Service, Bloomington Field Office (USFWS), has raised concerns regarding the Kankakee River and bridge and culvert maintenance. USFWS also has raised concerns regarding wetlands in Starke and LaPorte Counties, as well as the high quality sand prairie habitat in Starke County. To address these concerns, SEA recommends that a condition be imposed requiring the railroad to consult with the USFWS prior to salvaging the right-of-way.

2. THE FOLLOWING NEW CONDITIONS ARE RECOMMENDED:

SEA Contact & Tel. No.: Christa Dean (X 1606)

cc: Office of Congressional and Public Services (Public Docket) - (2 copies)
SEA Chron



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

#E1-389
Frank O'Bannon, Governor
John Goss, Director



September 17, 2003

Stephanie M. Lemmon
CSX Transportation
500 Water Street, J200
Jacksonville, Florida 32202



AB-55-643X

Federal Agency: Surface Transportation Board ("STB")

Re: Abandonment of approximately 32.97 miles of rail line (AB-55 [Sub-no. 643X])

Dear Ms. Lemmon:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated August 18, 2003, and received on August 22, 2003, for the above indicated project from Lacrosse to Wellsboro, through Dewey, Hanna, and Noble townships, in LaPorte County, and from North Judson in Starke County to Malden, Morgan Township, in Porter County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In regard to buildings and structures, we have identified the following properties within the probable area of potential effects, and we believe that they meet the criteria of eligibility for inclusion in the National Register of Historic Places due to their historical and architectural significance:

Toad Hall, the English Lake 1870 Gun Club, on Bigler Road (Site #091-192-11512 per the *LaPorte County Interim Report*) for its association with recreation in the township during the late 19th Century and early 20th Century.

The La Crosse High School at 11 North Michigan Street (Site #091-330-11608) for its association with education in La Crosse during the early 20th Century.

The Marathon Gas Station on North Washington Street (Site #091-330-11611) is an outstanding example of the mid-20th Century service station.

However, based on the information provided to our office, we believe that there will not be any alterations to the characteristics of the above identified historic properties qualifying them for inclusion in or eligibility for the National Register (see 36 C.F.R. § 800.16[i]).

Upon completing its own identification and evaluation efforts, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the STB finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

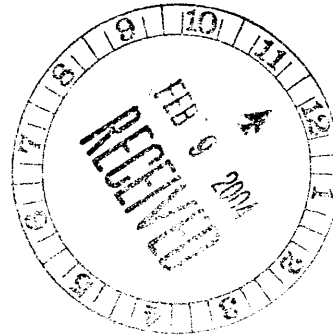
E1-609
CD

Joseph E. Kernan, Governor
John Goss, Director



January 30, 2004

Elaine K. Kaiser
Environmental Project Director
Surface Transportation Board
Environmental Analysis
1925 K Street, Northwest, Suite 534
Washington, DC 20423-0001



Federal Agency: Surface Transportation Board ("STB")

Re: Notification of the STB's finding of "no historic properties affected" for the abandonment of approximately 32.97 miles of rail line (Docket #AB-55 [Sub-no. 643X])

Dear Ms. Kaiser:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated January 2, 2003, and received on January 5, 2003, for the above indicated project from Lacrosse to Wellsboro in La Porte County and from North Judson in Starke County to Malden in Porter County, Indiana.

We see no reason to object with the STB's January 2, 2003, finding that no historic properties within the area of potential effects will be affected by the above indicated project. However, we have noted that your identification and evaluation efforts have not been completely documented as specified in 36 C.F.R. § 800.11(d).

If you have not already done so, we recommend that you make complete documentation available to the public and all consulting parties for the above indicated project. We would welcome any additional documentation to be attached to the file. However, further coordination and comments from the Indiana SHPO will not be necessary.

If you have any questions, please call Shana Kelso of our office at (317) 232-1646.

Very truly yours,

Shana Kelso

for: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:SNK:snk

cc: Stephanie M. Lemmon, CSX Transportation